

PTO/SB/21 (02-04)

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FORM**

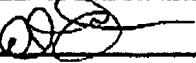
(to be used for all correspondence after initial filing)

		Application Number	10/079,281
		Filing Date	February 20, 2002
		First Named Inventor	WELCH, Patrick J.
		Art Unit	2632
		Examiner Name	Daryl C. POPE
Total Number of Pages in This Submission	14	Attorney Docket Number	20916-0005-U1

ENCLOSURES (check all that apply)

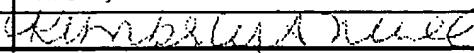
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Alter Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Fax Transmittal Copy of Preliminary Amendment and related documents as original filed July 16, 2003 (7 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	McNees Wallace & Nurick LLC Kurt L. Ehresman, Attorney Reg. No. 50,758
Signature	
Date	April 15, 2005

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Kimberly A. Newell
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Date	April 15, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WELCH

Serial No.: 10/079,281

Filed: February 20, 2002

Group Art Unit: 2635

Examiner: Daryl C. POPE

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APR 15 2005

For: SYSTEM AND METHOD FOR REMOTE MONITORING AND MAINTENANCE
MANAGEMENT OF VERTICAL TRANSPORTATION EQUIPMENTAMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.111

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the recent telephone conversations between counsel for Applicant and Examiner Pope, this Response is made seeking withdrawal of the improperly issued USPTO Office Action dated December 17, 2004. The Office Action is improper, as it fails to consider the Preliminary Amendment timely filed by Applicant on July 16, 2003. A copy of the July 16, 2003 Preliminary Amendment, including the stamped post card returned by the USPTO acknowledging receipt thereof, is enclosed herewith.

Please withdraw the improperly issued Office Action of December 17, 2004, enter the Preliminary Amendment filed July 16, 2003, and timely issue a new Office Action that considers the timely filed Preliminary Amendment. Applicant requests a prompt and favorable action by the Examiner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

While no fees should be required, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Attorney Docket No. 20916-0005-1
Serial No. 10/079,281

Respectfully Submitted,
MCNEES WALLACE & NURICK LLC



Dated: April 11, 2005

Kurt L. Ehresman
Reg. No. 50,758
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Tel.: (717) 237-5458
Fax: (717) 237-5300
Attorney for Applicant

Application/Patent No.: 10/079,281MWN Reference No.: 20916-0005-1**Assist. Commissioner for Patents:**

Please acknowledge receipt of the paper(s) enclosed by stamping the date received and returning this card to the undersigned.

New Patent Application Non-Prov. Prov. Design
 CIP Divisional RCE/CPA Other
 Declaration (Signed/Unsigned) Power of Attorney

Patent Appl'n. Transmittal (Utility/Provisional/Design)
 Pages Specifications
 Pages Drawing(s)
 Application Data Sheet
 Fee Transmittal
 Filing Fee (\$_____)
 Fee (\$_____)
 Other Fee(s) (\$_____)
 IDS & PTO/SB/08
 References (copies)
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Transmittal Form
 Response to Office Action
 Response to Missing Parts
 Affidavit/Statement
 Issue Fee Transmittal
 Issue Fee (\$_____)
 Letter to Off. Draftsperson
 Assignment
 Recordation Letter & Fee
 Statement Under 3.73(b)
 Preliminary Amendment

Application/Patent No.: 10/079,281MWN Reference No.: 20916-0005-1**Assist. Commissioner for Patents:**

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 CIP Divisional RCE/CPA Other
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Patent Appl'n. Transmittal (Utility/Provisional/Design)
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 Pages Drawing(s)
 Application Data Sheet
 Fee Transmittal
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 Other Fee(s) (\$_____)
 IDS & PTO/SB/08
 References (copies)
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Transmittal Form **JUL 18 2003**
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 Issue Fee Transmittal
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 Statement Under 3.73(b)
 Preliminary Amendment

Express Mail No.: _____

Date of Mailing: July 16, 2003Submitted by: Kurt L. Ehresman

McNees Wallace & Nurick L.L.C

received**7/22/03**

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

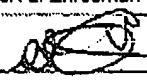
(to be used for all correspondence after initial filing)

		Application Number	10/079,281
		Filing Date	02/20/2002
		First Named Inventor	WELCH
		Art Unit	2635
		Examiner Name	n/a
Total Number of Pages in This Submission	7	Attorney Docket Number	20916-0005-1

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Acknowledgment Postcard, Certificate of Mailing, Preliminary Amendment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
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Firm or Individual name	McNees Wallace & Nurick LLC Kurt L. Ehresman
Signature	
Date	July 16, 2003

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Typed or printed name	Lindsay Vican
Signature	
Date	July 16, 2003

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In re Application of: WELCH

APR 15 2005

Serial No.: 10/079,281

Group Art Unit: 2635

Filed: February 20, 2002

Examiner: Not Yet Assignment

For: SYSTEM AND METHOD FOR REMOTE MONITORING AND MAINTENANCE
MANAGEMENT OF VERTICAL TRANSPORTATION EQUIPMENTPRELIMINARY AMENDMENT

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims which begins on this page.

Remark/Arguments begin on page 3 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A system for remote monitoring of vertical transportation equipment comprising: a) vertical transportation equipment; b) a Remote Terminal Unit communicably linked to said vertical transportation equipment; c) a Human-Machine Interface Server communicably linked to said Remote Terminal Unit; d) a Computerized Maintenance Management System Server communicably linked to said Human-Machine Interface; and, e) remote devices which are communicably linked to said Computerized Maintenance Management System Server.

2. (Currently amended) The system of claim 1, further comprising a Camera communicably linked to said Remote Terminal Unit.